

WC:AH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X M-09-741

UNITED STATES OF AMERICA

- against -

C O M P L A I N T

(21 U.S.C. § 846)

HOLGER FRANCISCO ROSS-SOLEDISPA,
RAUL ENRIQUE CRUZ TRIVINO,
JORGE FERNANDO TRIVINO and
MIGUEL SOSA

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

PHILIP CASTROGIOVANNI, being duly sworn, deposes and states that he is a Special Agent with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about July 23, 2009 within the Eastern District of New York and elsewhere, defendants HOLGER FRANCISCO ROSS-SOLEDISPA, RAUL ENRIQUE CRUZ TRIVINO, JORGE FERNANDO TRIVINO and MIGUEL SOSA, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a substance containing heroin, a Schedule I controlled substance, in violation of Title 21 U.S.C. § 841(a)(1).

(Title 21, United States Code, Section 846).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. On or about July 21, 2009, Immigration and Customs Enforcement ("ICE") agents received information regarding a possible drug transaction. In particular, ICE agents were informed by a confidential source (CS) that HOLGER FRANCISCO ROSS-SOLEDISPA, together with others, was arranging to purchase heroin from certain other individuals in Queens, New York.

2. On or about July 22, 2009, CS informed ICE agents that HOLGER FRANCISCO ROSS-SOLEDISPA asked CS to drive him to Northern Boulevard in Jackson Heights, New York, on July 23, 2009, for the purpose of meeting other individuals to purchase heroin.

3. On or about July 23, 2009, CS picked up HOLGER FRANCISCO ROSS-SOLEDISPA and they drove together to Jackson Heights, New York in the vicinity of 85th Street and Northern Boulevard. Once at that location, RAUL ENRIQUE CRUZ TRIVINO, JORGE FERNANDO TRIVINO and MIGUEL SOSA, entered the vehicle in which CS and HOLGER FRANCISCO ROSS-SOLEDISPA were sitting. At that point, CS was in the driver's seat, HOLGER FRANCISCO ROSS-SOLEDISPA was in the front passenger seat, and RAUL ENRIQUE CRUZ TRIVINO, JORGE FERNANDO TRIVINO and MIGUEL SOSA were all in the

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

back seat.

4. According to CS, once inside the vehicle, RAUL ENRIQUE CRUZ TRIVINO passed a plastic bag containing heroin to HOLGER FRANCISCO ROSS-SOLEDISPA.

5. Shortly thereafter, ICE agents stopped the vehicle and placed all five individuals under arrest. ICE agents also recovered the plastic bag containing heroin. The approximate gross weight of the heroin is 723.9 grams.

6. ICE agents recovered from the persons of RAUL ENRIQUE CRUZ TRIVINO and JORGE FERNANDO TRIVINO scraps of paper that contained the name of one of the sources of the drugs (the "Source") and an associated phone number (the "Source's phone number").

6. After waiving his Miranda rights, defendant RAUL ENRIQUE CRUZ TRIVINO stated, in sum and substance, that he served as the broker between HOLGER FRANCISCO ROSS-SOLEDISPA and the supplier of the heroin, who he identified as the Source.

7. After waiving his Miranda rights, defendant JORGE FERNANDO TRIVINO stated, in sum and substance, that the Source asked him to accompany MIGUEL SOSA to Jackson Heights, New York on July 23, 2009. Also according to JORGE FERNANDO TRIVINO, he was going to be paid \$100 by RAUL ENRIQUE CRUZ TRIVINO to do so.

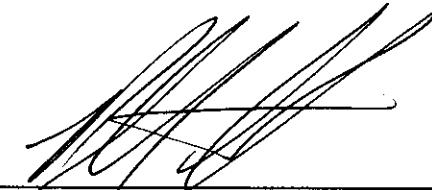
8. After waiving his Miranda rights, defendant MIGUEL SOSA stated, in sum and substance, that approximately one week

prior to this transaction, he attended a meeting with RAUL ENRIQUE CRUZ TRIVINO, HOLGER FRANCISCO ROSS-SOLEDISPA, and JORGE FERNANDO TRIVINO. MIGUEL SOSA also stated, in sum and substance, that the Source paid him \$500 to attend that meeting.

8. Within hours of his arrest, two cell phones seized from MIGUEL SOSA rang numerous times and the caller identification indicated that the Source was the individual calling MIGUEL SOSA. With respect to one of the phones, the Source was identified on the caller identification by name. With respect to the other phone, the Source was identified on the caller identification by the Source's phone number.

9. After arrest, the cell phone seized from JORGE FERNANDO TRIVINO rang numerous times and the caller identification indicated that the Source was the individual calling JORGE FERNANDO TRIVINO. The Source was identified on the caller identification by the Source's phone number.

WHEREFORE, your deponent respectfully requests that defendants defendants HOLGER FRANCISCO ROSS-SOLEDISPA, RAUL ENRIQUE CRUZ TRIVINO, JORGE FERNANDO TRIVINO and MIGUEL SOSA be dealt with according to law.



Philip Castrogiovanni
Special Agent
Immigration and Customs
Enforcement

Sworn to before me this
24th day of July, 2009

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK